

SENATE BILL 22

Introduced by Blaylock

12/23 Introduced
12/23 Referred to Education & Cultural Resources
1/04 First Reading
1/06 Hearing
1/15 Committee Report--Bill Passed as Amended
1/16 2nd Reading Passed
1/18 3rd Reading Passed

Transmitted to House
1/19 First Reading
1/19 Referred to Education & Cultural Resources
1/27 Hearing
1/27 Tabled in Committee

SENATE BILL NO. 22
INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TEACHER
TERMINATION; REQUIRING THAT TRUSTEES REHIRE A TEACHER
TERMINATED FOR FINANCIAL REASONS IF THE FINANCIAL CONDITION
IS RESOLVED BEFORE THE BEGINNING OF THE NEXT SCHOOL YEAR;
AMENDING SECTIONS 20-4-204 AND 20-4-206, MCA; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-4-204, MCA, is amended to read:

"20-4-204. Termination of tenure teacher services.

(1) (a) The following persons may make a recommendation in
writing to the trustees of the district for termination of
the services of a tenure teacher:

(i) a district superintendent;

(ii) in a district without a district superintendent, a
principal;

(iii) in a district without a district superintendent or
a principal, the county superintendent or a trustee of the
district.

(b) The recommendation must state clearly and
explicitly the specific reason or reasons leading to the
recommendation for termination.

(2) Whenever the trustees of a district receive a
recommendation for termination, the trustees shall, in all
cases, before May 1 of the current school fiscal year,
notify the teacher of the recommendation for termination and
of the teacher's right to a hearing on the recommendation.
The notification must be delivered by certified letter or by
personal notification for which a signed receipt is
returned. The notification must include:

(a) the statement of the reason or reasons that led to
the recommendation for termination; and

(b) a printed copy of this section for the teacher's
information.

(3) The teacher may, in writing, waive the right to a
hearing. Unless the teacher waives the right to a hearing,
the trustees shall set a hearing date, giving consideration
to the convenience of the teacher, not less than 10 days or
more than 20 days from the teacher's receipt of the notice
of recommendation for termination.

(4) The trustees shall:

(a) conduct the hearing on the recommendation at a
regularly scheduled or special meeting of the board of
trustees and in accordance with 2-3-203; and

(b) resolve at the conclusion of the hearing to
terminate the teacher or to reject the recommendation for
termination.

(5) The tenure teacher may appeal a decision to terminate to the county superintendent who may appoint a qualified attorney at-law as legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law.

(6) Subsequently, either the teacher or the trustees may appeal to the superintendent of public instruction under the provision for the appeal of controversies in this title.

(7) If the trustees terminate a teacher for financial reasons and the financial condition causing the termination is resolved before the beginning of the next school year, the terminated teacher must be rehired."

Section 2. Section 20-4-206, MCA, is amended to read:

***20-4-206. Notification of nontenure teacher reelection**
 -- acceptance -- termination and statement of reason. (1)
 The trustees shall provide written notice by May 1 to all nontenure teachers who have been reelected. A nontenure teacher who does not receive written notice of reelection or termination is automatically reelected for the ensuing school fiscal year.

(2) A nontenure teacher who receives notification of his reelection for the ensuing school fiscal year shall provide the trustees with his written acceptance of the conditions of reelection within 20 days after the receipt of the notice of reelection. Failure to so notify the trustees

within 20 days may be considered nonacceptance of the tendered position.

(3) When the trustees notify a nontenure teacher of termination, the teacher may within 10 days after receipt of the notice make written request of the trustees for a statement in writing of the reasons for termination of employment. Within 10 days after receipt of the request, the trustees shall furnish to the teacher a true statement of reasons for termination.

(4) If a nontenure teacher believes the reasons provided by the trustees are not true, the teacher may request in writing within 10 days of receipt of the statement of reasons that the county superintendent hold a hearing in accordance with 20-3-210 to determine whether the reasons are true. A hearing must be scheduled within 10 days and held within 45 days after receipt of the request, except that the period may be extended upon agreement between the trustees and the teacher. The burden of proof that the reasons are not true rests with the teacher, and the showing must be demonstrated by clear and convincing evidence.

(5) If, after a hearing, the county superintendent determines that the reasons are not true, the county superintendent shall order the trustees to offer the teacher a contract for the ensuing school fiscal year.

(6) If the trustees terminate a teacher for financial

1 reasons and the financial condition causing the termination
2 is resolved before the beginning of the next school year,
3 the terminated teacher must be rehired.

4 {6}(7) The provisions of this-section subsection (1) do
5 not apply to cases in which a nontenure teacher is
6 terminated when the financial condition of the school
7 district requires a reduction in the number of teachers
8 employed and the reason for the termination is to reduce the
9 number of teachers employed."

10 NEW SECTION. Section 3. Effective date. [This act] is
11 effective on passage and approval.

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 22

INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TEACHER
TERMINATION; ~~REQUIRING--THAT--TRUSTEES--REHIRE--A--TEACHER~~
~~TERMINATED--FOR--FINANCIAL--REASONS--IF--THE--FINANCIAL--CONDITION~~
~~IS--RESOLVED--BEFORE--THE--BEGINNING--OF--THE--NEXT--SCHOOL--YEAR,~~
AMENDING SECTIONS SECTION 20-4-204 AND--20-4-206, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(i) a district superintendent;

(ii) in a district without a district superintendent, a
principal;

(iii) in a district without a district superintendent or
a principal, the county superintendent or a trustee of the
district.

(b) The recommendation must state clearly and
explicitly the specific reason or reasons leading to the
recommendation for termination.

(2) Whenever the trustees of a district receive a
recommendation for termination, the trustees shall, in all
cases, before May 1 of the current school fiscal year,
notify the teacher of the recommendation for termination and
of the teacher's right to a hearing on the recommendation.
The notification must be delivered by certified letter or by
personal notification for which a signed receipt is
returned. The notification must include:

(a) the statement of the reason or reasons that led to
the recommendation for termination; and

(b) a printed copy of this section for the teacher's
information.

(3) The teacher may, in writing, waive the right to a
hearing. Unless the teacher waives the right to a hearing,
the trustees shall set a hearing date, giving consideration
to the convenience of the teacher, not less than 10 days or
more than 20 days from the teacher's receipt of the notice
of recommendation for termination.

(4) The trustees shall:

(a) conduct the hearing on the recommendation at a
regularly scheduled or special meeting of the board of
trustees and in accordance with 2-3-203; and

(b) resolve at the conclusion of the hearing to
terminate the teacher or to reject the recommendation for
termination.

(5) The tenure teacher may appeal a decision to terminate to the county superintendent who may appoint a qualified attorney at-law as legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law.

(6) Subsequently, either the teacher or the trustees may appeal to the superintendent of public instruction under the provision for the appeal of controversies in this title.

(7) If the trustees terminate a teacher for financial reasons and the financial condition causing the termination is resolved before the beginning of the next school year, the terminated teacher must be rehired."

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 termination is automatically reelected for the ensuing
 school fiscal year.

(2) A nontenure teacher who receives notification of
 his reelection for the ensuing school fiscal year shall
 provide the trustees with his written acceptance of the
 conditions of reelection within 20 days after the receipt of
 the notice of reelection. Failure to so notify the trustees

within 20 days may be considered nonacceptance of the
 tendered position.

(3) When the trustees notify a nontenure teacher of
 termination, the teacher may within 10 days after receipt of
 the notice make written request of the trustees for a
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 employment. Within 10 days after receipt of the request, the
 trustees shall furnish to the teacher a true statement of
 reasons for termination.

(4) If a nontenure teacher believes the reasons
 provided by the trustees are not true, the teacher may
 request in writing within 10 days of receipt of the
 statement of reasons that the county superintendent hold a
 hearing in accordance with 20-3-210 to determine whether the
 reasons are true. A hearing must be scheduled within 10 days
 and held within 45 days after receipt of the request, except
 that the period may be extended upon agreement between the
 trustees and the teacher. The burden of proof that the
 reasons are not true rests with the teacher, and the showing
 must be demonstrated by clear and convincing evidence.

(5) If, after a hearing, the county superintendent
 determines that the reasons are not true, the county
 superintendent shall order the trustees to offer the teacher
 a contract for the ensuing school fiscal year.

(6) If the trustees terminate a teacher for financial

1 ~~reasons-and-the-financial-condition-causing-the--termination~~
2 ~~is--resolved--before--the-beginning-of-the-next-school-year,~~
3 ~~the-terminated-teacher-must-be-rehired.~~

4 {6}{7}--The-provisions-of-this-section subsection-(1) do
5 not--apply--to--cases--in--which--a--nontenure--teacher---is
6 terminated--when--the--financial--condition--of--the--school
7 district--requires--a--reduction--in--the-number-of-teachers
8 employed-and-the-reason-for-the-termination-is-to-reduce-the
9 number-of-teachers-employed."

10 NEW SECTION. Section 2. Effective date. [This act] is
11 effective on passage and approval.

-End-

SENATE BILL NO. 22

INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TEACHER TERMINATION; ~~REQUIRING--THAT--TRUSTEES--REHIRE--A--TEACHER TERMINATED--FOR--FINANCIAL--REASONS--IF--THE--FINANCIAL--CONDITION IS--RESOLVED--BEFORE--THE--BEGINNING--OF--THE--NEXT--SCHOOL--YEAR,~~ AMENDING SECTIONS SECTION 20-4-204 AND ~~--20-4-206,~~ MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(i) a district superintendent;

(ii) in a district without a district superintendent, a principal;

(iii) in a district without a district superintendent or a principal, the county superintendent or a trustee of the district.

(b) The recommendation must state clearly and explicitly the specific reason or reasons leading to the recommendation for termination.

(2) Whenever the trustees of a district receive a recommendation for termination, the trustees shall, in all cases, before May 1 of the current school fiscal year, notify the teacher of the recommendation for termination and of the teacher's right to a hearing on the recommendation. The notification must be delivered by certified letter or by personal notification for which a signed receipt is returned. The notification must include:

(a) the statement of the reason or reasons that led to the recommendation for termination; and

(b) a printed copy of this section for the teacher's information.

(3) The teacher may, in writing, waive the right to a hearing. Unless the teacher waives the right to a hearing, the trustees shall set a hearing date, giving consideration to the convenience of the teacher, not less than 10 days or more than 20 days from the teacher's receipt of the notice of recommendation for termination.

(4) The trustees shall:

(a) conduct the hearing on the recommendation at a regularly scheduled or special meeting of the board of trustees and in accordance with 2-3-203; and

(b) resolve at the conclusion of the hearing to terminate the teacher or to reject the recommendation for termination.

(5) The tenure teacher may appeal a decision to terminate to the county superintendent who may appoint a qualified attorney at-law as legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law.

(6) Subsequently, either the teacher or the trustees may appeal to the superintendent of public instruction under the provision for the appeal of controversies in this title.

{7}--If the trustees terminate a teacher for financial reasons and the financial condition causing the termination is resolved before the beginning of the next school year, the terminated teacher must be rehired."

Section 2.--Section 20-4-206, MCA, is amended to read:--

"20-4-206.--Notification of nontenure teacher reelection
----acceptance-----termination and statement of reason:--{1}
The trustees shall provide written notice by May--1--to--all
nontenure--teachers--who--have--been--reelected. A nontenure
teacher who does not receive written notice of reelection or
termination--is--automatically--reelected--for--the--ensuing
school fiscal year.

{2}--A nontenure teacher who receives notification of
his--reelection--for--the--ensuing--school--fiscal--year--shall
provide the trustees with his written acceptance of the
conditions of reelection within 20 days after the receipt of
the--notice--of--reelection. Failure to so notify the trustees

within 20--days--may--be--considered--nonacceptance--of--the
tendered position.

{3}--When--the--trustees--notify--a--nontenure--teacher--of
termination, the teacher may within 10 days after receipt of
the notice make--written--request--of--the--trustees--for--a
statement--in--writing--of--the--reasons--for--termination--of
employment. Within 10 days after receipt of the request, the
trustees shall furnish to the teacher a--true--statement--of
reasons for termination.

{4}--If--a--nontenure--teacher--believes--the--reasons
provided by the trustees--are--not--true, the teacher may
request--in--writing--within--10--days--of--receipt--of--the
statement--of--reasons--that--the--county--superintendent--hold--a
hearing in accordance with 20-3-210 to determine whether the
reasons are true. A hearing must be scheduled within 10 days
and held within 45 days after receipt of the request, except
that the period may be extended upon agreement--between--the
trustees--and--the--teacher. The--burden--of--proof--that--the
reasons are not true rests with the teacher, and the showing
must be demonstrated by clear and convincing evidence.

{5}--If, after--a--hearing, the--county--superintendent
determines--that--the--reasons--are--not--true, the--county
superintendent shall order the trustees to offer the teacher
a contract for the ensuing school fiscal year.

{6}--If the trustees terminate a teacher for financial

1 ~~reasons-and-the-financial-condition-causing-the--termination~~
2 ~~is--resolved--before--the-beginning-of-the-next-school-year,~~
3 ~~the-terminated-teacher-must-be-rehired.~~

4 ~~{6}{7}--The-provisions-of-this-section subsection-{1} do~~
5 ~~not--apply--to--cases--in--which--a--nontenure--teacher---is~~
6 ~~terminated--when--the--financial--condition--of--the--school~~
7 ~~district--requires--a--reduction--in--the-number-of-teachers~~
8 ~~employed-and-the-reason-for-the-termination-is-to-reduce-the~~
9 ~~number-of-teachers-employed."~~

10 NEW SECTION. Section 2. Effective date. [This act] is
11 effective on passage and approval.

-End-

1 SENATE JOINT RESOLUTION NO. 22

2 INTRODUCED BY HOCKETT, DEBRUYCKER

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA URGING CONTINUED
6 FEDERAL SUPPORT AND FUNDING OF THE VISITOR CENTER OF THE
7 UPPER MISSOURI.

8
9 WHEREAS, the Upper Missouri River is both a state and a
10 national treasure that offers many historical and
11 recreational opportunities; and

12 WHEREAS, on October 12, 1976, Congress passed Public Law
13 94-486, which added the Upper Missouri River to the Wild and
14 Scenic River System and provided for a visitor center for
15 interpretation of the area; and

16 WHEREAS, Congress subsequently passed Public Law
17 100-552, which assigned responsibility for the visitor
18 center to the Bureau of Land Management; and

19 WHEREAS, an interpretive prospectus and a cooperative
20 agreement for the development of the visitor center was
21 adopted in February 1992 by the Bureau of Land Management,
22 the city of Fort Benton, and the Community Improvement
23 Association; and

24 WHEREAS, \$1.6 million has been contracted by the Bureau
25 of Land Management for the architecture and interpretive

1 design for the visitor center; and

2 WHEREAS, Fort Benton has been a national historic
3 landmark since 1965; and

4 WHEREAS, the purpose of the visitor center is to enhance
5 existing interpretive services for visitors to historic Fort
6 Benton, the Upper Missouri National Wild and Scenic River,
7 the Lewis and Clark National Historical Trail complex, and
8 the Nez Perce National Historical Trail; and

9 WHEREAS, tourism is a growing economic force in Montana,
10 and the state is actively promoting a healthy tourism
11 industry to meet visitors' needs and to improve its economic
12 situation; and

13 WHEREAS, the visitor center would complement the state's
14 efforts to strengthen and expand tourism and recreation and
15 would contribute to economic diversification within the
16 state; and

17 WHEREAS, the visitor center is expected to contribute
18 \$300,000 to \$480,000 to the Montana economy and 15 to 25 new
19 jobs by the year 2000.

20
21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
22 OF REPRESENTATIVES OF THE STATE OF MONTANA:

23 That the Director of the Bureau of Land Management, the
24 Montana Congressional Delegation, and the U.S. Congress be
25 urged to continue to support the Visitor Center of the Upper

SJR 0022/02

1 Missouri.

2 BE IT FURTHER RESOLVED, that the U.S. Congress be urged
3 to pass legislation to fund completion of the visitor center
4 project.

5 BE IT FURTHER RESOLVED, that the Secretary of State send
6 a copy of this resolution to each member of the Montana
7 Congressional Delegation, the U.S. Secretary of the
8 Interior, and the Director of the Bureau of Land Management.

-End-